

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARTIN PERRUSQUIA,

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Plaintiff,

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v.

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CASE NO: 14-BE-1542-S

**EL POBLANO MEXICAN
RESTAURANT, and FIDEL CASTRO,**

]

Defendants.

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FINAL ORDER APPROVING SETTLEMENT

This matter comes before the court on the parties' joint "Motion for Approval of Settlement and Request for Dismissal with Prejudice." (Doc 14). This case involves claims under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA") and, therefore, requires court approval of any settlement. *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982) ("When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness.").

The court acknowledges that this order is a judicial approval of a settlement and not a finding, conclusion, or reflection of any admission of a violation of the FLSA, willful, intentional, or otherwise. The court has reviewed the parties' joint Motion (doc. 14), the executed Settlement Agreement attached to that motion (doc. 14-1), the status report filed April 15, 2015 (doc. 15), and the pleadings in this case. In light of the information obtained, the court finds that *bona fide* disputes exist, such as the dates that the Plaintiff began work and the number of weeks

that he worked for Defendant. Defendant has three witnesses to support its own calculation of the number of weeks worked and to dispute the Plaintiff's testimony on that issue. All parties are represented by counsel who address these *bona fide* disputes. Accordingly, the court finds that the settlement agreement between the parties reflects a fair and reasonable resolution of those *bona fide* disputes.

Therefore, the court ORDERS as follows:

1. The court APPROVES the settlement as a fair, reasonable, and adequate resolution of this dispute and GRANTS the joint Motion (doc. 14).
2. The court INCORPORATES by reference the Settlement Agreement (doc. 14-1) into this Order.
2. The court DISMISSES this case WITH PREJUDICE. For court administrative purposes, each party shall bear his or its own costs, attorneys' fees, and expenses. However, such allocation for court administrative purposes does not affect the parties' obligations for payment of costs, attorneys' fees, and/or expenses described in the Settlement Agreement. In light of this Order, the court will NOT hold the status conference set for April 24, 2015.

DONE and ORDERED this 20th day of April, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE